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20 **UNITED STATES DISTRICT COURT**

21 **DISTRICT OF NEVADA**

22
23 Bravo Company USA, Inc., a Wisconsin
24 corporation,

25 Case No. 2:14-cv-00387-RCJ-GWF

26 Plaintiff,

27 vs.

28 Martin J. Bordson, an individual,

Defendant.

**STIPULATION REGARDING THE
PRODUCTION OF HARD-COPY AND
ELECTRONICALLY STORED
INFORMATION**

1 WHEREAS Bravo Company, Inc. (“Bravo Company”) and Defendant Martin J. Bordson
2 (“Bordson”) are parties to the above action;

3 AND WHEREAS the parties desire an orderly production of hard copy and electronically
4 stored information that will be produced in this action;

5 WHEREFORE the parties, by and through their respective counsel of record, stipulate as
6 follows.

7 1. Absent agreement of the parties or further order of this Court, the following
8 parameters shall apply to electronically stored information production:

9 General Document Image Format. Each electronic document shall be produced in single-
10 page Tagged Image File Format (“TIFF”) format. TIFF files shall be single page and shall be
11 named with a unique production number followed by the appropriate file extension. Load files
12 shall be provided to indicate the location and unitization of the TIFF files. If a document is more
13 than one page, the unitization of the document and any attachments and/or affixed notes shall be
14 maintained as they existed in the original document. When PowerPoint documents are converted
15 to TIFFs, the version that will be converted will show the speaker notes, to the extent that they
16 exist. When Word documents are converted to TIFFs, the version that will be converted is as it
17 was last saved by the custodian. This means that if it was last saved with track changes turned on
18 that the images and metadata will reflect the tracked changes.

19 Metadata Fields. No metadata will be produced for redacted documents. The metadata
20 fields listed in Table A attached to this document will be provided, if they exist, for all other
21 electronically stored information.

22 Database Load Files/Cross-Reference Files. Documents should be provided with (1) a
23 Concordance delimited file and (2) an IPro delimited file.

24 Native Files. The following file types shall be produced in native format: Excel files,
25 Access files, and Microsoft Project files. For all other file types, a party may make a reasonable
26 request to receive the document in its native format, and upon receipt of such a request, the
27 producing party shall produce the document in its native format. Native Files will be produced
28 with a placeholder TIFF image. Each TIFF placeholder will contain the bates number,

1 confidentiality designation, and the name of the native file.

2 Gaps. Productions should contain sequential bates numbers with no gaps. There should be
3 no gaps in bates numbers between productions. A unique production volume number will be used
4 for each production. If any unavoidable gaps occur, the parties agree to provide advance notice of
5 those gaps within productions and/or between productions.

6 Parent-Child Relationships. Parent-child relationships (the association between an
7 attachment and its parent document) must be preserved.

8 Text-Searchable Documents. Electronically stored information shall be produced text-
9 searchable.

10 Footer. Each document image shall contain a footer with a sequentially ascending
11 production number.

12 No Backup Restoration Required. Absent a showing of good cause, no party need restore
13 any form of media upon which backup data is maintained in a party's normal or allowed
14 processes, including but not limited to backup tapes, disks, SAN, and other forms of media, to
15 comply with its discovery obligations in the present case.

16 Voice-mail and Mobile Devices. Absent a showing of good cause, voice-mails, PDAs and
17 mobile phones are deemed not reasonably accessible and need not be collected and preserved.

18 2. A party's production of documents responsive to a request under Federal Rules of
19 Civil Procedure 34, 45, or any other rule or method shall include documents and other things in a
20 tangible or electronic form, but shall not include e-mail or other forms of electronic
21 correspondence (collectively "e-mail"). To obtain e-mail from another party, a party must
22 propound specific e-mail production requests, separate and apart from the party's other requests
23 for production. Custodian limits applicable to e-mail addressed below do not apply to documents
24 and other things in a tangible or electronic form.

25 3. E-mail production requests shall be phased to occur timely after the parties have
26 exchanged initial disclosures, a specific identification of the fifteen most significant listed e-mail
27 custodians in view of the pleaded claims and defenses. E-mail production requests shall identify
28 the custodian, search terms, and time frame. The parties shall cooperate to identify the proper

1 custodians, proper search terms, and proper timeframe. After the application of search terms to a
2 custodian's e-mail but before review, the parties agree to meet and confer concerning the number
3 of e-mails responsive to the applied search terms.

4 4. E-mail production requests are subject to the following custodian limits:

5 A. Bravo Company may obtain e-mail discovery from Bordson from up to six
6 (6) custodians.

7 B. Bordson may obtain e-mail discovery from Bravo Company from up to six
8 (6) custodians.

9 5. Each requesting party is limited to ten (10) search terms per custodian. The search
10 terms may be different across a party's custodians. The search terms shall be tailored to particular
11 products or particular issues. Indiscriminate terms, such as the producing company's name, may
12 be used with other search criteria but may not be used individually. A conjunctive combination of
13 multiple words or phrases (e.g., "computer" and "system") narrows the search and shall count as a
14 single search term. A disjunctive combination of multiple words or phrases (e.g., "computer" or
15 "system") broadens the search, and thus each word or phrase shall count as a separate search term
16 unless each term is a variant of the same word. Use of narrowing search criteria (e.g., "and," "but
17 not," "w/x") is encouraged to limit the production. The parties may jointly agree to modify this
18 limit without the Court's prior written permission provided, however, that such modification be
19 made in writing and signed by the parties' respective counsel.

20 6. Any party may seek additional e-mail production for additional custodians or
21 additional search terms beyond the initial limits established herein upon a showing of good cause,
22 or by written agreement of the parties. The parties shall meet and confer on who shall bear, and the
23 reasonableness of, the costs of e-mail production beyond the initial limits established herein.

24 7. Notwithstanding anything to the contrary herein, any party that produces
25 documents that were previously produced in any other action or matter may produce such
26 documents in the electronic format in which they were produced previously.

27 8. Each piece of media containing production data will be labeled. The label will
28 provide the following information:

- 1 • Party v. Party (case name)
- 2 • Case No. 000000 (case number)
- 3 • Month, Day, Year (date production was created on the disk)
- 4 • Volume Number
- 5 • Bates Range: (no gaps from production to production and no gaps within
- 6 productions unless otherwise notified)
- 7 • Confidential Designation (if necessary)

8 9. When scanning paper documents, distinct documents should not be merged into a
9 single record, and single documents should not be split into multiple records (i.e., paper
10 documents should be logically unitized). The parties will make their best efforts to have their
11 vendors unitize documents correctly and will commit to address situations where there are
12 improperly unitized documents.

13 10. Documents will be produced on CD-ROM, DVD disks, portable hard drives, or by
14 making them available for download from an FTP site. The media of production is at the option of
15 the producing party. Production media will not be returned unless required under the applicable
16 protective order. Information produced via FTP site may be removed from the FTP site by the
17 producing party within a reasonable time and after the information has been retrieved by the
18 receiving party.

19 11. Contingent upon each party's compliance with the obligations set forth in this
20 document, the parties agree that the circumstances of this case do not warrant the preservation,
21 review, or production of ESI that is not reasonably accessible because it is unlikely that significant
22 relevant information would be located in those sources that is not otherwise available in
23 reasonably accessible sources. Moreover, that remote possibility is substantially outweighed by
24 the burden and cost of preservation and/or review and production of ESI from these sources. The
25 parties agree that the following ESI is not reasonably accessible:

- 26 • Backup Tapes;
- 27 • Voice-mail;
- 28 • Instant Messaging;

1 • Residual, fragmented, damaged, permanently deleted, slack and unallocated data;
 2 • Handheld PDA-type devices.

3 12. The agreements set forth herein are without prejudice to the right of a requesting
 4 party to request additional information about specific ESI, including sources of ESI previously
 5 identified as “inaccessible ESI” above, if that party can demonstrate that material, relevant, and
 6 responsive information that is not otherwise cumulative of information already produced can only
 7 be found through such additional efforts. The parties will negotiate in good faith with regard to
 8 whether such additional efforts are reasonably required and, if so, who should bear the cost, with
 9 the Court to resolve such disputes if agreement cannot be reached.

10 13. The parties may jointly agree to modify any terms of this stipulation without the
 11 leave of Court, provided, however, that such modification be made in writing and signed by the
 12 parties’ respective counsel.

13 **IT IS SO AGREED AND STIPULATED:**

14 Dated: July 17, 2015

Respectfully submitted,

15 LEWIS ROCA ROTHGERBER LLP

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IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: July 21, 2015

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Table A – Metadata Fields

Field Name	Description/ Comments	Fields for ESI and/or Hard Copy
BEG_NO	Bates number associated with the first page of a document.	ESI and Hard Copy
END_NO	Bates number associated with the last page of a document.	ESI and Hard Copy
CUSTODIAN	Identification of who provided the document (or, if not applicable, the source of the document).	ESI and Hard Copy
ATTACH_RANGE	Attachment range for parent and children. The range should start with the BEG_NO of the parent and end with the END_NO of the last child.	ESI and Hard Copy
FILE_EXT	File extension of native file (e.g., XLS, DOC)	ESI
FILE_NAME	Original file name of native file for loose documents or e-mail attachments .	ESI
HASH	The Hash value or “deduplication key” assigned to a document. Parties will use MD5 Hash value for this unique identifier. PID’s for e-mail families should also be preserved.	ESI
NATIVE_PATH	Path on production disk to any native-produced documents.	ESI
TITLE	Title of document or email subject.	ESI
AUTHOR	Author of a document.	ESI
CREATE DATE	Document Creation date / e-mail sent date. Must be in mm/dd/yyyy format.	ESI
TIME_CREATED	Creation time of the native file GMT/CST/time it was created in/Needs to be in military format.	ESI
DATE_LAST_MOD	Date native file was last modified. Needs to be in mm/dd/yyyy format	ESI

1	Field Name	Description/ Comments	Fields for ESI and/or Hard
2			Copy
3	TIME_LAST_MOD	Time native file was last modified. GMT/CST/time is /was created in/Needs to be in military format.	ESI
4	FROM	Author of e-mail Message	ESI (e-mail)
5	TO	Recipients of the e-mail message	ESI (e-mail)
6	CC/BCC	Recipient of Carbon Copies of the e-mail message	ESI (e-mail)

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